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10/544,230

03/17/2006

Jun Kawakita

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EXAMINER

MEJIA, ANTHONY

ART UNIT

PAPER NUMBER

2151

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/544,230

Applicant(s)

KAWAKITA, JUN

Examiner

ANTHONY MEJIA

Art Unit

4117

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/13/2005
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. (PCT/JP03/01066), filed on 02/03/2003.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the log" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim. For the purposes of further examination, the examiner will interpret the limitation "the log" as being synonymous with the limitation "log information". Claims 9-10 is also rejected as inheriting the same informalities through their dependencies. Appropriate correction is required.

In further, Claim 10 recites the limitation "other party" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. For the purposes of further examination, the examiner will interpret the limitation "other party" as being synonymous with the limitation "other computer terminal". Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. Claims 1-11 are rejected under 35 U.S.C. 101 which reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In this case, Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed towards non-statutory matter. For example, in claim 1, a "synchronization program" is basically software. Computer-related inventions whether descriptive or functionally descriptive material are non-statutory categories when claimed as descriptive material *per se* (see *Warmerdam*, 33 F.3d at 1360 USPQ2d at 1759), falling under the "process" category (i.e. inventions that consist of a series of steps or acts to be performed). See 35 U.S.C. 100(b) ("The term process means, art, or method, and includes a new or a known process, machine, manufacture, composition of matter or material"). Functional descriptive material: "data structures" representing descriptive material *per se* or computer program representing computer listing *per se* (i.e. software *per se*) when embodied in a computer-readable media are still not statutory because they are not capable of causing functional change in the computer. However, a claimed computer-readable *storage* medium encoded with a data structure, computer listing or computer program, having defined structural and functional interrelationships between the data structure, computer listing or computer program and the computer software and hardware component, which permit the data structure's, listing or program's functionality to be realized, is statutory (see MPEP §2106).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US 6,938,212) in view of Ohkado et al. (US 2001/0016873)

Regarding Claim 1, Nakamura teaches a synchronization program (collaboration applet, 320, col.7, lines 66-67) for causing a computer terminal (customer terminal 11, col.8, lines 26-28, fig.1) having a storage means (customer terminal, 11, col.8, lines 26-28, fig.1, and col.8, lines 13-30, describe that the terminal can implemented by a computer system such as a PDA, work station, personal computer) to store at least one or more content (web page, fig.17 shows example of web page content) to function in such a manner as to synchronize the contents (web page, fig.17 shows example of content) with one or more other computer terminal (agent terminal, 12, col.8, lines 28-30) to be synchronized with which a session (cooperative operation) is established through a session server (session manager, 22 of collaboration server, 20) (col.7, lines 51-53 explain functionalities of session manager 22 within collaboration server 20), characterized in that:

the synchronization program causes (controlling) the computer terminal to function as a contents acquisition means (customer terminal, 11) for acquiring

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(obtaining) and displaying the contents stored in the storage means, (e.g., terminal devices (i.e., 11 and 12) each include a web browser 310 to display the contents (web page) stored (obtained), (col.7, lines 62-65, and fig.3) and,

the synchronization program causes, by the contents acquisition means (customer terminal 11), the computer terminal to function in such a manner that in the presence of the contents requested in the storage means, to acquire (obtain) and display the contents stored in the storage means, (e.g., terminal devices each include a web browser 310 to display the contents (web page) stored (obtained), (col.7, lines 62-65, and fig.3)

Nakamura does not teach explicitly a contents transmitting/receiving means for acquiring and storing in a storage means the contents of which a request is received from the other computer terminal nor an update means for notifying a contents update event to the contents acquisition means or the other computer terminal in the case where new contents are stored in the storage means and upon receipt of the notice of the contents update event, to acquire and display the contents corresponding to the contents update event and stored in the storage means nor the synchronization program causes, by the contents transmitting/receiving means, the computer terminal to function in such a manner that in the absence of the contents requested for display or the contents corresponding to the contents update event in the storage means, to acquire the contents from other Computer than the computer terminal and store them in the storage means.

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However, Ohkadho in a similar field of endeavor such as a collaboration server for acquiring content information, teaches

a contents transmitting/receiving means (customer informational terminal, 130) for acquiring and storing in a storage means (cache) the contents (web page, has content information that can be displayed through a browser, par [0034]) of which a display request (customer request) is received from the other computer terminal (agent informational terminal, 170), (par [0010] , [0175-0176] and fig.1),

an update means (applet) for notifying a contents update event (detection of change) to a contents acquisition means (customer browser 131 on customer informational terminal 130) or the other computer terminal (agent browser 131 on agent information terminal 170) in the case where new contents (changed page information) are stored in the storage means (customer informational terminal 130) (par [0009], [0175-0176], and fig.1) and

upon receipt of the notice of the contents update event (notifying of changed page information), to acquire and display (customer browser 131) the contents (changed page information) corresponding to the contents update event (detection of change) and stored in the storage means (customer informational terminal 130) (par [0009-0010]).

a synchronization program (program code) causes, by the contents transmitting/receiving means, the computer terminal to function in such a manner that

in the absence of the contents requested for display or the contents corresponding to the contents update event in the storage means, to acquire the

contents from other computer than the computer terminal and store them in the storage means (par [0048-0049]).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize the teachings of Ohkadho in Nakamura in order to help optimize the collaboration of the content located on different terminals. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Nakamura and Ohkadho in order to have awareness of content changes such as updates and modifications of the content thereof.

Regarding Claim 2, the combined teachings of Nakamura and Ohkadho teach the synchronization program as described in claim 1 above. The combined teachings of Nakamura and Ohkadho further teach the synchronization program characterized in that the computer terminal is caused to function in such a manner that in the case where the computer terminal is a host side of the session (Ohkadho: customer informational terminal 130, and agent informational terminal 170 are symmetrical with each other with respect to synchronization, see par [0175]), the contents transmitting/receiving means (Ohkadho: customer informational terminal, 130) acquires the contents from any other computer terminal than the computer terminal (Ohkadho: agent informational terminal, 170) connected to the network and stores the contents in the storage means (customer informational terminal, 130) (Ohkadho: par [0010] , [0175-0176] and fig.1),

the contents (Nakamura: web page, fig.17 shows example of content) are displayed by the contents acquisition means (customer terminal, 11) (Nakamura: e.g.,

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terminal devices each include a web browser 310 to display the obtained content (web page), col.7, lines 62-65, and fig.3),

the update means (applet) notifies the contents (web page, has content information that can be displayed through a browser, par [0034]) update event (notifying collaboration server of changed page information) to the other computer terminal (agent browser 131 on agent information terminal 170) (Ohkadho: par [0009], [0175], and fig.1), and

the contents transmitting/receiving means (customer informational terminal, 130) receives the contents transmission request from the other computer terminal (agent informational terminal 170), thereby transmitting the contents stored in the storage means to the other computer terminal and causes the contents to be displayed at the other computer terminal which is a remote side of the session (agent informational terminal 170, and customer informational terminal 130 are symmetrical with each other with respect to synchronization, see par [0175])), (Ohkadho: par [0009-0010], [0175-0176] and fig.1).

Regarding Claim 3, the combined teachings of Nakamura and Ohkadho teach a synchronization program as described in claim 1 or 2 above. The combined teachings of Nakamura and Ohkadho further teach a synchronization program characterized in that the computer terminal is caused to function in such a manner that

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in the case where the computer terminal is a remote side of the session (customer informational terminal 130, and agent informational terminal 170 are symmetrical with each other with respect to synchronization, see par [0175]) and the

contents requested for display are not stored in the storage means (customer informational terminal, 130) (Ohkadho: par [0010], [0175-0176] and fig.1), it is inherently obvious to one of ordinary skill in the art at the time the invention was made to not store the contents requested for display in the storage means in the case where the computer terminal is a remote side of the session,

the contents transmitting/receiving means (Ohkadho: customer informational terminal 130) transmits the contents acquisition request to the other computer terminal (agent information terminal 170) which is a host side of the session (Ohkadho: customer informational terminal 130, and agent informational terminal 170 are symmetrical with each other with respect to synchronization, see par [0175]),

the update means (Ohkadho: applet) receives the contents (Ohkadho: web page, has content information that can be displayed through a browser, par [0034]) update event (notifying collaboration server of changed page information) from the other computer terminal which is a host side (Ohkadho: agent informational terminal 170) of the session (Ohkadho: par [0009], and customer informational terminal 130, and agent informational terminal 170 are symmetrical with each other with respect to synchronization, see par [0175]),

the contents transmitting/receiving means (Ohkadho: customer informational terminal, 130) transmits the contents transmission request to the other computer

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terminal (Ohkadho: agent informational terminal, 170), receives the contents from the other computer terminal and stores the contents in the storage means (agent informational terminal 170) of the computer terminal (Ohkadho: par [0009-00010] , [0175-0176] and fig.1), and

the contents acquisition means (customer terminal, 11) displays the contents (e.g., terminal devices each include a web browser 310 to display the contents (web page) stored (obtained) col.7, lines 62-65, and fig.3)

Regarding Claim 4, the combined teachings of Nakamura and Ohkadho teach a synchronization program as described in anyone of claims 1 [[to 3]] as described above. The combined teachings of Nakamura and Ohkadho further teach a synchronization program characterized in that the computer terminal (Ohkadho: agent informational terminal 170) is caused to function in such a manner that

in the case where the computer terminal (Ohkadho: agent informational terminal 170) is a remote side of the session and the contents requested for display are stored in the storage means (agent informational terminal 170) (Ohkadho: par [0009], and [0175-0176] and fig.1),

the contents acquisition means (Nakamura: agent terminal 11) acquires the contents from the storage means and displays the contents (Nakamura: e.g., terminal devices each include a web browser 310 to display the obtained content (web page) stored (obtained), col.7, lines 62-65), and

the update means (applet) notifies the contents (web page) update event (notifying collaboration server of changed page information) to the other computer terminal which is a host side of the session (Ohkadho: customer informational terminal 130, and agent informational terminal 170 are symmetrical with each other with respect to synchronization, see par [0175]),

and causes the contents stored in the storage means (agent informational terminal 170) of the other computer terminal to be displayed at the other computer terminal (agent browser 131 of agent informational terminal 170), (Ohkadho: par [0009], and [0175], customer informational terminal 130, and agent informational terminal 170 are symmetrical with each other with respect to synchronization)

Regarding Claim 5, the combined teachings of Nakamura and Ohkadho teach a synchronization program as described in any one of claims 1 to 4, characterized in that the synchronization program causes the computer terminal to function as

a control information means (Nakamura: customer terminal 11) for receiving the input of the control information for the contents of the contents browsing means (Nakamura: e.g., scroll controller 810 controls the display on the web browsers, col.13, lines 61-63), transmitting (transmits) the control information (Nakamura: e.g., identifier of the marker object) to the other computer terminal (agent terminal 12) through the session server (Nakamura: e.g., since cooperative operation is occurring, the terminals are identified and interconnected through the session manager, 22 of collaboration server, 20 see col.7, lines 50-52), and based on the input of the control information at

the other computer terminal, receiving the control information transmitted from the other computer terminal, and reflecting (displayed) the control information in the contents of the contents browsing means (Nakamura: based on the control information (marker object) submitted, the windows are substantially synchronized (matched) e.g., col.14, lines 4-9 and fig.10).

Regarding Claim 6, the combined teachings of Nakamura and Ohkadho teach a synchronization program as described in claim 5, characterized in that

the control information (Nakamura: customer terminal 11) includes any one of the movement of the scroll bar, the change in size or position of the window, the drawing of the contents and the movement of the mouse cursor (Nakamura: col.1, lines 39-47, and fig.17, please note that customer terminal 11 is terminal device A, and agent terminal 12 is terminal B).

Regarding Claim 7, the combined teachings of Nakamura and Ohkadho teach a synchronization program as described in claim 5 or 6 above, characterized in that the computer terminal is caused to function in such a manner that

the control information means (Nakamura: customer terminal 11) displays a transparent screen superposed on the contents, and transmits the input drawing coordinate and the input drawing type to the other computer terminal (Nakamura: agent terminal 12) (Nakamura: fig.17, please note that customer terminal 11 is terminal device A, and agent terminal 12 is terminal B), and

the drawing coordinate and the drawing type (information) are received from the other computer terminal, and the drawing type is drawn at the coordinate of the contents (Nakamura: e.g., col. 10, lines 63-67).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Ohkado and in further view of Rust (US 6,668,273)

Regarding Claim 8, the combined teachings of Nakamura/Ohkado teach a synchronization program as described in claim 1 [[to 7]] as described above. The combined teachings of Nakamura/Ohkado do not explicitly teach wherein a synchronization program is characterized in that the computer terminal is caused to function in such a manner that

the synchronization program or the computer terminal having the synchronization program can transmit and receive data to and from the log management server arranged on the network, and the synchronization program functions as

a log information transmission means for receiving the contents display request or the control information input to the contents browsing means and transmitting them as a log for the other computer terminal to the log management server, and

a log information receiving means for receiving the log of the other computer terminal from the log management server and causing the log to be executed by the content browsing means.

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However, Rust in a similar field of endeavor such as a system and method for application viewing through collaborative web browsing session, teaches wherein a synchronization program (active control applet) is characterized in that a computer terminal (presenter's client 110) is caused to function in such a manner that

the synchronization program or the computer terminal having the synchronization program can transmit and receive data to and from (the applet communicates with) a log management server (control server 140) arranged on the network (web 130), and the synchronization program functions as

a log information transmission means (control server 140) for receiving a contents display request (requested image) or a control information input to a contents browsing means (browser) and transmitting them as a log for the other computer terminal (attendee's client 120) to the log management server (receiver 186 of control server 140, col.6, lines 50-51), and

a log information receiving means (control server 140) for receiving the log of the other computer terminal from the log management server and causing the log to be executed by the content browsing means (e.g., control server 140 determines if received log information (user name and password) is correct, col.6, lines 61-67, and col.7, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Rust in Nakamura/Ohkadho in order to enforce management of the terminals by controlling authentication of the collaboration between the terminals. One of ordinary skill in the art would have been

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motivated to combine the teachings of Nakamura/Ohkadho and Rust to help manage authentication during the collaboration between the terminals.

8. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Ohkado and in further view of Rust and yet in further view of Omoigui (US 6,694,352)

Regarding Claim 9, the combined teachings of Nakamura/Ohkadho/Rust disclose a synchronization program as described in claim 8 above. The combined teachings of Nakamura/Ohkadho/Rust do not explicitly teach wherein the synchronization program characterized in that the log management server notifies the computer terminal constituting the other party of the log that the log is stored.

However, Omoigui in a similar filed of endeavor such as methods and systems for notifying clients concerning live electronic presentations, teaches a log management server (notification server 14) notifies the computer terminal (client) constituting the other party of the log (user information) that the log is stored (user information database) (col.13, lines 55-60, and col.7, lines 45-48, and col.8, lines 11-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Omogui in Nakamura/Ohkadho/Rust in order to provide the users of the terminal a notification that the log information of the other terminal has been stored. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Omogui and Nakamura/Ohkadho/Rust

to provide awareness of the other terminal log's information to provide security in the collaboration between the terminals.

Regarding Claim 10, the combined teachings of Nakamura/Ohkadho/Rust/Omigui teach a synchronization program as described in claim 8 or 9 as described above. The combined teachings of Nakamura/Ohkadho/Rust/Omigui further teach the synchronization program characterized in that

the log management server (Omigui: notification server 14) notifies by transmitting the electronic mail to the computer terminal constituting the other party of the log (Omigui: e.g., (e-mail is a type of notification that may be implemented as notification, see col. 13, lines 35-38) and (col.13, lines 55-60, and col.7, lines 45-48, and col.8, lines 11-16).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Ohkado and in further view of Auvenshine (US 6,725,238)

Regarding Claim 11, the combined teachings of Nakamura and Ohkado teach a synchronization program as described in claim 1 [[to 10]] above, characterized in that the synchronization program causes the computer terminal (customer terminal 11) to function in such a manner that in the case where the computer terminal conducts communication with any other computer terminal than the computer terminal (agent

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terminal 12), the communication is conducted also between the computer terminal (customer terminal 11) and the other computer terminal (agent terminal 12) thereby to synchronize the contents (e.g., the synchronization program (collaboration applet 320) performs various processes for implementing the cooperative operation, col.8, lines 1-2). The combined teachings of Nakamura and Ohkado do not explicitly teach wherein the synchronization program causes the computer terminal to function in such a manner that in the case where the computer terminal conducts communication *by SSL* with any other computer terminal than the computer terminal, the communication *by SSL* is conducted also between the computer terminal and the other computer terminal.

However, Auvenshine in a similar field of endeavor, discloses a method, system, and program for using a remotely accesses desktop interface and network drive to access a shared file system, teaches a synchronization program (desktop applet, 26 of fig.1) causes a computer terminal (local system, 2 of fig.1) to function in such a manner that in the case where the computer terminal conducts communication *by SSL* with any other computer terminal (remote system 20) than the computer terminal, the communication *by SSL* is conducted also between the computer terminal and the other computer terminal (col.4, lines 36-42). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize the teachings of Auvenshine in Nakamura/Ohkado to provide a secure connection for communication between the terminals. One of ordinary skill at the time the invention was made would have been motivated to combine the teachings of Nakamura/Ohkado and Auvenshine to help protect the confidentiality of the communication between terminals.

Other Pertinent Prior Art

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Graham (US 2003/0046678) discloses a remote web site authoring system and method.

B. Lim (US 2003/0005351) discloses a method of upgrading software in a network environment and a network device for performing the same.

C. Boothby et al. (US 6,223,187) discloses a distributed synchronization of databases.

D. Ries et al. (US 2004/0217985) discloses a system and method for editing web pages in a client/server architecture.

E. Guo et al. (US 6,912,582) discloses a service routing and web intergration in a distributed multi-site user authentication.

F. Ramesh (US 2002/0129139) discloses a system and method for facilitating the activities of remote workers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is

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(571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mejia, Anthony
Patent Examiner

ABDULLAH SALAD
PRIMARY EXAMINER